Remarks/Arguments:

As of the Action, Claims 1-20 are pending in the Application. Claims 1-14 and 18 stand rejected. Claims 15-17, 19 and 20 are objected to.

Applicant herein amends Claims 2, 4, 5 and 7, solely as to matters of form. Applicant submits that these amendments add no new matter.

Applicant submits that all Claims are in condition for allowance. Applicant also submits that, if this Response and Amendment is determined not to place the Application in condition for allowance, this Response and Amendment clearly places the Application in better form for appeal and, on that basis, it should be entered.

In view of the Claims as set forth above and the remarks below, Applicant respectfully requests reconsideration and further examination of this Application.

General Discussion. The Application contemplates authentication, where authentication implicates verifying identity (e.g., as such identity is claimed by a user or thing).

The Application describes and claims, among other things, authentication via (a) at least one data packet having a itinerary in an authentication network and (b) an authentication object predicting as to at least a part of that itinerary. Indeed, the Application describes and claims, among other things, not only a packet having an itinerary, but also an itinerary that is both predetermined and in that packet.

Rejections of Claims as Anticipated/Obvious. The Action rejects (a) Claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by Holden, U.S. Patent No. 6,272,639 ("Holden") and (b) Claims 2, 4-14 and 18 under 35 U.S.C. §103(a) as being unpatentable over Holden in light of Milliken, U.S. Patent No. 6,978,223 ("Milliken"). In support of these rejections, the Action designates column 3, lines 44-61 of Holden. These designations apparently propose a

secure network interface unit (SNIU) that, in controlling communications between users, (a) intercepts an Internet Protocol (IP) datagram transmitted from a source, (b) releases the so-intercepted datagram to a destination and, in releasing in specified cases directed to multi-level security, uses the IP datagram to "predict the expected response", (c) compares a response from the destination to the "response that was predicted" and (d) if the comparison shows a match, releases the response to the source (see, Holden, col. 3, lines 44-61).

Applicant respectfully traverses the Action's rejections of the Claims. First, Applicant respectfully submits that Holden is irrelevant to Applicant's authentication objects and methods. That is, Holden proposes secure network interfacing for use in a network that (a) supports multi-level security (i.e., classifies data into various levels, such as, e.g., Top Secret, Secret, Confidential, Unclassified) and (b) is "mixed enclave" (i.e., wherein some users are secured and some are not secured). Holden proposes using secure network interface units (SNIU) that "communicate with each other thereby creating a global security perimeter for end-to-end communications so that the interfaces provide a secure perimeter".

As to authentication, a search conducted on a keyword formative (i.e., "authentic") shows that Holden provides for authentication using a conventional solution, i.e., using digital signatures, as follows:

> The Fortezza card is a PCMCIA card configured to perform integrity and authenticating functions. ... The authentication function is accomplished by the Fortezza card generating and reading digital signatures which are unique to each SNIU. The Fortezza card includes a private key to generate the digital signature and a public key to read the signatures. (See, col. 7, lines 3-11.)

As such, Applicant submits that the Holden is irrelevant to the rejected Claims.

Second, Applicant respectfully submits that the Action omits to make a prima facie case for the cited references teaching or suggesting all of Applicant's elements, and arrangements thereof, as set out in the rejected Claims. As a non-exhaustive example for rejected,

independent Claims 1 and 3, Applicant submits that the Action's designations to Holden indicate no disclosure as to (i) a packet having a **predetermined itinerary** that is **in** that packet and/or (ii) predicting at least a part of that predetermined itinerary. That is, the Action's designations do not disclose any data packet having a predetermined itinerary, let alone a data packet where the predetermined itinerary is in the data packet.

As well, the designations do not disclose predicting any itinerary, let alone a predetermined itinerary or one that is in a data packet. Even though the designations include mention of the word "predict", the Action's designations to Holden omit any disclosure that teaches or suggests predicting any part of any predetermined itinerary of any packet, as those elements are described and claimed by Applicant. Indeed, instead of so teaching/suggesting as to Applicant's authentication elements, the Action's designations to "predict" appear to be directed solely to supporting multi-level security (i.e., dealing with Holden's datagrams if the datagrams are to be communicated between two different security levels).

In sum, as to rejected, independent Claims 1 and 3, Applicant respectfully submits that the Action does not make a prima facie case of non-patentability. That is, Applicant respectfully submits that the Action's designations to Holden fail to teach or suggest, alone or in combination, all the elements and arrangements of these two independent Claims.

As to rejected, dependent Claims 2, and 4-14 and 18, Applicant respectfully submits that the Action is also absent a proper prima facie case of non-patentability, e.g., for the same reasons as set forth for Claims 1 and 3 (i.e., in that, each of these dependent Claims depends variously from, and thus includes the elements of, a respective independent Claim 1 or 3).

As such, Applicant submits that the Holden, as cited, simply fails to teach or suggest, alone or in combination, all the elements of any rejected Claim.

In view of the foregoing, Applicant requests that the Action's rejections be reconsidered and withdrawn.

Objections to Claims. Applicant acknowledges, with appreciation, the Examiner's indication that Claims 15-17, 19 and 20 would be allowable if rewritten in independent form. However, Applicant respectfully declines to so re-write at this time. Instead, for various reasons (including, without limitation, dependencies of these Claims), Applicant elects to pursue examination/prosecution and, as necessary, appeal, of the claim set as a whole.

CONCLUSION

Generally, in this Amendment and Response, Applicant has not raised all possible grounds for (a) traversing the rejections of the Action or (b) patentably distinguishing the new Claims (i.e., over the cited references or otherwise). Applicant, however, reserves the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the Claims as herein amended, or in the context of a continuing application). Applicant submits that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original Claims or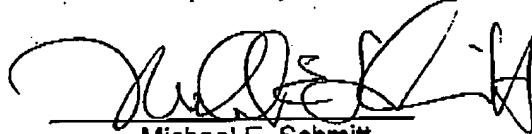 as to any of the new Claims, or otherwise. Without limiting the generality of the foregoing, Applicant reserves the right to reintroduce one or more of the original Claims in original form or otherwise so as to claim the subject matter of those Claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

Applicant submits that, in view of the foregoing remarks and/or amendments, the Application is in condition for allowance, and respectfully requests reconsideration and favorable action.

The Commissioner is hereby authorized to charge any fees (including extension fees), additional fees, or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001; provided, however, that such fees, underpayments or overpayments must arise solely in connection with this Amendment and Response. Otherwise, the Commissioner should review and follow any authorization previously given by Applicant to charge certain such fees and credit certain such overpayments to the Applicant's separate Deposit Account (No. 14-1270).

Respectfully submitted,

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